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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,097	01/07/2004	Philip T. Kortum	1033-LB1009	2743

60533 7590 01/25/2007
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EXAMINER

HASSAN, RASHEDUL

ART UNIT	PAPER NUMBER
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2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/753,097	Applicant(s) KORTUM ET AL.	
	Examiner Rashedul Hassan	Art Unit 2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>Sep 02 2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 23-28 are directed to non-statutory subject matter.
2. Claims 23-28 are directed to a computer-readable medium having computer-readable data for carrying out the method of the invention. However, it is not explicitly specified that the computer-readable data is in executable form. Therefore, these claims can reasonably be interpreted in the broadest reasonable interpretation to be directed to an embodiment of non-functional descriptive material in combination with a physical medium. Since non-functional descriptive material is considered to be non-statutory even if in combination with a physical medium, these claims have been rejected as being directed to non-statutory subject matter within the meaning of 35 USC § 101.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1-3, 5-9, 12-15, 20, 23-24, 26, 29-35 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Pickett (US 6,154,465).

4. For claim 1, Pickett teaches a collaborative call method comprising:
Initiating presentation of a graphical user interface element (output of the "office attendant type" program which constitutes the GUI element of his invention) in connection with a collaborative call, the GUI element operable to display a listing of call participants (150 in Fig. 8A, also 310 in Fig. 11E); and updating information presented in the GUI element in response to a status change of a call participant (148 in Fig. 8A reflects the status of the call as mentioned in column 16 lines 21-28. Furthermore, referring to Fig. 11E and according to column 23 lines 47-64, when icon 316, 318 or 320 is activated resulting in a change of status for a call participant to either in an on-call or off-call status, GUI 310 is updated to list only the participants in on-call status to be displayed).

5. For claim 2, Pickett further teaches recognizing that a caller joins the collaborative call since recognizing that a caller joins the call is inherently necessary in order to allow the caller to participate in the call and update that status in the GUI presented.

6. For claim 3, Pickett further teaches using a caller ID service to identify a caller joining the collaborative call (column 18 lines 15-21).

7. For claim 5, Pickett further teaches tracking a caller status for at least one participant of the collaborative call since monitoring various telephone lines (column 16 lines 25-28) or a conference call (column 23 line 65 – column 24 line 2) implies tracking caller status for at least one participant of the call.

8. For claim 6, Pickett further teaches the caller status is selected from a group consisting of an on-call state, an off-call state and a paused-call state since the status indicator 148 in Fig. 8A showing symbols indicating status, such as “active call in progress”, “idle”, “call on hold” signifies “on-call”, “off-call” and “paused-call” states respectively. Furthermore, referring to Fig. 11E, showing a caller in window 312 signifies the status of the caller being in an “on-call” state, wherein not showing the caller in window 312 signifies the status of the caller being in an “off-call” state.

9. For claim 7, Pickett further teaches tracking a caller metric for at least one participant (Fig. 14).

10. For claim 8, Pickett further teaches that metric is selected from a group consisting of a call joining time (begin time), a call exiting time (end time) and an on-call duration time (duration) (Fig. 14).

11. For claim 9, Pickett further teaches generating a collaborative call report (Fig. 14, also "Call Detail Report" icon in Fig. 15)

12. For claims 12 (a method) and 37 (a system), Pickett further teaches receiving a signal indicating a desire of a caller to communicate with at least one other caller via the collaborative call since receiving a call signal is a signal indicating a desire of a caller to communicate with at least one other caller via the collaborative call. The dialpad window 165 in Fig. 8A and call icon 294 in window 290 can be used to initiate a signal or an incoming call can cause a signal to be received by the system indicating a desire of a caller to communicate.

13. For claim 13, Pickett further teaches updating the GUI element to indicate the desire. In the case of a call being placed or received, the GUI of Fig. 8A is updated to show a "phone ringing" icon in status display 148. The GUI is also updated by showing window 302 as shown in Fig. 11D in the case of a call being initiated using icon 294 of window 290.

14. For claim 14, Pickett further teaches that the signal is launched in response to a key stroke of the caller since it is inherent that the signal is launched in response to the caller either striking the keys on a telephone set or the numpad of a keyboard or the left/right key of a mouse depending on whether a call is placed using a regular telephone set or the dialpad window 165 or icon 294 respectively.

15. For claim 15, Pickett further teaches updating the GUI element to indicate the desire (as already discussed in the rejection of claim 13), recognizing subsequent communication by the caller and updating the GUI element to remove the indication (in the case of a call being placed or received, the "phone ringing" icon in status display 148 of Fig. 8A is removed and replaced with appropriate status. The GUI is also updated by removing window 302 as shown in Fig. 11D in the case of a call being initiated using icon 294 of window 290).

16. For claims 20 (a method) and 23 (a computer-readable medium), Pickett further teaches the GUI element comprises an administrative feature icon (172,174,176 or 178 in Fig. 8A, 136,318 or 320 in Fig. 11E), the method further comprising:

- recognizing that a caller joins the call (inherent as already discussed in the rejection of claim 2);
- determining that the caller is a call host (if the caller is initiating a call then inherently the system recognizes the caller as a call host);
- present the GUI element to the host (GUI of Fig. 8A or Fig. 11A is presented to the host depending on the situation);
- recognizing that a second caller joins the call (again it is inherent that the system recognizes that a second caller joins the call in order to allow the second caller to participate in the call);

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present a different GUI element to the second caller (Picket teaches that an office attendant type program may cause one or more windows to appear on the computers of particular persons in the office to whom a call has been directed. Column 18 lines 22-52);

the different GUI element missing the administrative feature (according to Pickett the participant's window may include, for example an animated icon, caller ID information, etc., and may include one or more icons usable to answer the call. Column 18 lines 22-52).

17. For claims 24 (computer-readable medium) and 32 (a system), Pickett further teaches to update participant GUI information in response to the status change of the call participant because using an animated icon implies changing the icon in response to the status change of the call participant.

18. For claim 26, Pickett teaches the limitation of the claim as already discussed in the rejection of claim 6.

19. For claim 29, Pickett teaches a computing platform (communication system 50 in Fig. 2) operable to be communicatively coupled to a remote host station (computer 24 in Fig. 2 running "office attendant type" program) and a remote participant station (computer 24 in Fig. 2 running a program in companion with the "office attendant type program);

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a participant status engine executing on the computing platform and operable to track a caller status for at least one participant of the collaborative call (a software/hardware combination in the computing platform that tracks caller status), wherein the caller status is selected from a group consisting of an on-call state, an off-call state, a currently speaking state, a waiting to speak state, a paused-call state (already discussed in the rejection of claim 6); and a presentation engine (the "office attendant type program") associated with the participation engine, the presentation engine operable to initiate presentation of a first graphical user interface on the remote host station and a different GUI on the remote participation station (already discussed in the rejection of claim 20 and 23 above).

20. For claim 30, Pickett further teaches the first GUI comprises a list of call participants (150 in Fig. 8A) and a status icon (148 in Fig. 8A) for each participant.

21. For claim 31, Pickett further teaches a communication engine (software/hardware responsible for providing the call log and call detail report) operable to initiate communication of a call report to the remote host station in response to completion of the collaborative call.

22. For claim 33, Pickett further teaches a thin client executing at the remote host station because the "office attendant type" program executing at the remote host station can be considered a thin client software since it only handles the user interface where

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the bulk of the processing is carried out on the servers making up the communication system 50.

23. For claim 34, Picket further teaches that the collaborative call comprises a voice over IP (VOIP) call (column 11 lines 24-34, column 13 lines 9-11).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

24. Claims 1,3-5 and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (US 7,010,107) hereinafter Lee.

25. For claim 1, Lee teaches a collaborative call method comprising:

Initiating presentation of a graphical user interface element in connection with a collaborative call, the GUI element operable to display a listing of call participants (1102,1104 and 1106 in Fig 11); and updating information presented in the GUI element in response to a status change of a call participant (1108, 1110 in Fig. 11, column 10 lines 25-39).

26. For claim 3, Lee further teaches using a caller ID service to identify a caller joining the collaborative call (column 6 lines 7-10).

27. For claim 4, Lee further teaches prompting caller joining the call to speak in connection with identifying the caller (column 9 lines 55-59).

28. For claim 5, Lee further teaches tracking a caller status for at least one participant of the collaborative call (1108, 1110 in Fig. 11, column 10 lines 25-39).

29. For claims 21 and 22, Lee further teaches the GUI element comprises an administrative feature icon (1108, 1110 in Fig. 11) operable to trigger termination of a web session associated with the collaborative call (column 10, lines 25-39), the method further comprising: recognizing that a caller joins the collaborative call (402 in Fig. 4); determining that the caller is a call host (inherent since the system calls the host who is the customer); and initiating presentation of the GUI element on a display associated with the call host (the GUI of Fig. 11 is made available to the host for display) and receiving a signal indicating activation of the administrative feature icon and terminating the web session.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 10, 11, 16-19,25 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett in view of Nakata et al (US 2003/0169291) hereinafter Nakata.

31. For claims 10,11, 16-19, 25 and 27-28, Pickett teaches that the report comprises a tracked metric, such as call duration, for at least one participant, such as the host. Pickett does not explicitly mentions that the report comprises a list of participants, a transcript of at least a portion of the call and distributing the report via one of the means consisting of an email, an instant message, a facsimile message and a physical paper message. Pickett also does not mention presenting at least a portion of a transcript in text format within a near real-time chat window associated with the GUI element or creating a blog of the collaborative call. Nakata teaches these limitations. Nakata teaches a desktop conference method that displays the speech of the conference participants in text format in near real-time in a chat area 73 (Fig. 7) using a speech-character conversion function ([0047]). Nakata further teaches that the text of the chat area 73 can be stored as data (constituting a report containing a transcript of the

collaborative call or a blog) and distributed after the conference is over via email ([0046]). Therefore, it would have been obvious to a person of ordinary skill in the art given the knowledge available at the time of the invention to combine the teachings of Pickett with that of Nakata in order to reach at the present invention. The motivation for combining the teachings would have been to preserve the conference as electronic data to be reproduced at anytime for future reference (Nakata [0049]).

32. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett in view of Goldman et al. (US 6,134,235) hereinafter Goldman.

33. For claim 36, Pickett teaches all limitations of the claim except that the system comprises an interactive voice response unit communicatively coupled to the computing platform and operable to allow a participant to access information associated with the collaborative call via a voice telephone call. Goldman teaches the limitation. Goldman teaches that it was a well-known technique at the time of the invention to use IVR unit to allow callers to retrieve specific information using voice commands (column 2 lines 10-13). Therefore, it would have been obvious to a person of ordinary skill in the art given the knowledge available at the time of the invention to combine the teachings of Goldman to use an interactive voice response unit to allow a participant to access information associated with the collaborative call. The motivation would have been to allow participants to access information related to the collaborative call at their


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convenience without waiting for a service representative (Goldman, column 2 lines 16-18).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashedul Hassan whose telephone number is 571-272-9481. The examiner can normally be reached on M-Th 7:30AM-5PM EST and Alt Fri 7:30AM-5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker can be reached on 571-272-9821. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



(Rashedul Hassan)



JEFFREY STUCKER
SUPERVISORY PATENT EXAMINER